

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OLLEN G. COLBERT, Jr.

3475 Vine St.

Cincinnati, Ohio 45220

Plaintiff,

VS.

CINCINNATI GAS AND ELECTRIC CO.

139 E. Fourth St.

Cincinnati, Ohio 45202

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1347**

4100 Colerain Avenue

Cincinnati, Ohio 45223-2590

Defendants.

Case No.: C-1-00-909

Judge Susan Dlott

Magistrate Judge Timothy J. Hogan

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO
THE MOTIONS FOR SUMMARY
JUDGMENT FILED BY CINERGY/THE
CINCINNATI GAS AND ELECTRIC
COMPANY AND THE INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 1347**

Comes now Plaintiff, Ollen G. Colbert, Jr., by and through counsel, to respectfully move the Court to grant Plaintiff an extension of time to respond to the Motion for Summary Judgment filed on January 13, 2005, by Cinergy/ The Cincinnati Gas and Electric Company and the Motion of Summary Judgment filed on January 14, 2005 by International Brotherhood of Electrical Workers, Local 1347. As more specifically shown in the Attorney's Affidavit attached hereto, Plaintiff is asking the Court additional time to get the information critical to case. Counsel for the Defendants, namely, Ariane S. Johnson, for Cinergy/The Cincinnati Gas and Electric Company, and Jerry Spicer, for International Brotherhood of Electrical Workers, Local 1347, have been notified by telephone and have no objection to

granting an additional week to Plaintiff for the filing of the respective memoranda in opposition to Defendant's respective motions for summary judgments.

WHEREFORE, Plaintiff requests a one-week extension, from March 22, 2005 to March 29, 2005 to file his Memorandum Opposing Motion for Summary Judgment filed by CinergyThe Cincinnati Gas and Electric Company and his Memorandum Opposing Motion for Summary Judgment filed by International Brotherhood of Electrical Workers, Local 1347.

IN THE ALTERNATIVE, Plaintiff is filing his R.56(f) Affidavits contemporaneously requesting that the Court order the Defendants to provide the critical documents listed on the Request of Production of Documents on November 15, 2004 and denied by the Court on December 7, 2004. If the Court grants the Plaintiff the additional discovery documents, then I ask for a seven-day once the discovery is received to respond to these motions for summary judgment.

Respectfully submitted,

s/Rose Ann Fleming
Rose Ann Fleming (0041337)
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Attorney for Plaintiff


AFFIDAVIT OF ATTORNEY IN SUPPORT OF MOTION TO EXTEND TIME

STATE OF OHIO)
)SS:
COUNTY OF HAMILTON)

I, Rose Ann Fleming, the undersigned, having been duly warned and cautioned, do hereby depose and state:

1. I am an attorney in good standing.
2. I am Counsel for Plaintiff in the above captioned matter.
3. I need an additional one-week period to complete my response to the Motion for Summary Judgment filed on January 13, 2005 by Cinergy/The Cincinnati Gas and Electric Company and the Motion for Summary Judgment filed on January 14, 2005 by the International Brotherhood of Electrical Workers, Local 1347.
4. The Defendants are not prejudiced since no trial date has been set in this matter.
5. I do not ask for this extension to cause useless delay.

AFFIANT FURTHER SAYETH NAUGHT.


Rose Ann Fleming, Affiant

Sworn to and subscribed in my presence, this 22nd day of March 2005.

My commission expires: 6/22/08

Jane A. Roberts
Notary Public



JANE A. ROBERTS
Notary Public, State of Ohio
My Commission Expires 06-22-08

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Plaintiff's Motion to Extend Time was electronically filed using the Case Management/Electronic Case Filing (CM/ECF) system with the Office of the Clerk of Courts, United States Federal District Court for the Southern District of Ohio, Western Division, Potter Stewart U.S. Courthouse, 100 E. Fifth Street, Cincinnati, Ohio 45202 on the 22nd day of March, 2005. Such filing will send notification of such filing to the following Counsel for Defendants:

Ariane S. Johnson, Esq.
Cinergy
Cincinnati Gas and Electric Company
1000 East Main Street
Plainville, IN 46168

Jerry L. Spicer
International Brotherhood of Electrical Workers. Local 1347
Snyder Rakay Spicer
11 W. Monument Street, Suite 307
Dayton, OH 45402

Respectfully submitted,

s/Rose Ann Fleming

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